



UNITED STATES PATENT AND TRADEMARK OFFICE

tel

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/181,823	10/29/1998	KENNETH SCOTT RAMEY	85934-1	1327

7590 05/03/2005

DOCKET CKERK
P.O. DRAWER 800889
DALLAS, TX 75380

EXAMINER

PHAM, BRENDA H

ART UNIT PAPER NUMBER

2664

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/181,823

Applicant(s)

RAMEY, KENNETH SCOTT

Examiner

Brenda Pham

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-4 and 7-9 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 and 7-9 are rejected under 35 USC 102(e) as being anticipated by Christie, IV, et al (US 6,324,265).

Claims 1, 4 and 7, Christie discloses a distributed system for establishing a voice communication session, the voice communication session being established by executing a series of functions, said distributed system comprising (referring to figure 1A): a client device (104,106, 111, 113) constituting an originating point of the voice communication session; a plurality of server (voice mail server 116, e-mail server 117, audio stream server 118) capable to be placed in a data communicative relationship with said client (104, 106), each server (116, 117, 118) being capable of establishing a data exchange transaction with the client device (104, 106) to execute a certain function of the communication session.

Christie teaches, "IP network 100 may also include an electronic mail (e-mail) server 117 for processing e-mail or other messages. Examples of messages include, but are not limited to, information. A media stream server 118 provides multimedia connections through IP packet network 100 to various sources. A gatekeeper 115 provides and controls services through the network such as call waiting. Other devices may interface IP network 100, such as a device for transmitting video information.", (col. 3, line 40-53).

Christie further teach each server being characterized in that it establishes a data exchange transaction with said client device in a manner autonomous from a data exchange transaction between said client device and a different server.

Christie teaches, "Communication devices are thus media independent", (col. 3, line 40-53).

Claims 2 and 3, a "server", such as that discloses by Christie, is a computing device including a processor for processing digital data, a memory coupled to processor for storing digital data, an input digitizer coupled to the processor for inputting digital data, an application program stored in memory and accessible by processor for directing processing of digital data by processor, a display coupled to the processor and memory for displaying information derived from digital data processed by processor and a plurality of databases (see figure 1B).

Art Unit: 2664

Claims 8 and 9, Christie teaches that the establishment of a data exchange transaction between said client device and a server comprises the exchange of data packets (request message) between said client device and the server; wherein said data packets are IP data packet, (see figure 1A).

Conclusion

4. Christie, IV et al has been reconsidered thus the rejections of claims 1-4 and 7-9 are rejected under 35 U.S.C. 102(e).

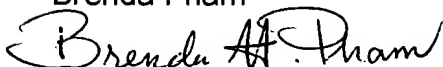
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

April 26, 2005

Brenda Pham

A handwritten signature in cursive script that reads "Brenda A. Pham". The signature is written in dark ink and is positioned below the typed name "Brenda Pham".